

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL THEIN,

Plaintiff,

v.

OAK HARBOR POLICE DEPARTMENT,

Defendant.

Case No. 2:23-CV-01832-RSM

ORDER DIRECTING PLAINTIFF TO  
FILE AMENDED COMPLAINT

This matter comes before the Court *sua sponte*. *Pro se* Plaintiff Michael Thein was granted leave to proceed *in forma pauperis* on November 30, 2023. Dkt. #3. The Complaint has been posted on the docket. #4. Summons has not yet been issued.

Plaintiff Thein brings this action against the Oak Harbor Police Department. *Id.* at 1. He states that he suffered “personal injuries . . . my whole family been car Accident . . . Total our vehicle . . . mom had to get eye surgery/physical therapy . . . Dad going through pain barely can walk . . . Michael my right when I see light it goes through my eye. Done hit me in the eye.” *Id.* at 5. Plaintiff alleges “personal injuries, surveillance, invading privacy, excessive force misconduct, negligence.” *Id.* No further details are provided. Plaintiff seeks 16 million dollars from Defendant. *Id.*

1 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises  
2 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from  
3 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).

4 As it currently stands, Plaintiff's Complaint fails to state a claim upon which relief can  
5 be granted. Plaintiff's Complaint is devoid of sufficient detail to bring a cause of action against  
6 the Defendant, e.g. the who, what, where, when, and why of the incident that caused Plaintiff's  
7 injuries. Defendant cannot respond to these accusations without further factual details. The  
8 Complaint lacks indication that this Court has subject matter jurisdiction and lacks citations to  
9 law that could allow Plaintiff to recover against Defendant. In sum, the Complaint suffers from  
10 deficiencies that, if not corrected in an Amended Complaint, require dismissal. *See* Fed. R. Civ.  
11 P. 12(h)(3); 28 U.S.C. § 1915(e)(2)(B).

12 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint  
13 **no later than thirty (30) days from the date of this Order.** This Amended Complaint will  
14 replace the original. In the Amended Complaint, Plaintiff must repeat all the elements of the  
15 existing Complaint (the parties, the causes of action, etc.) plus additional facts and citations to  
16 law addressing the above deficiencies. All relevant facts must be included in a single pleading  
17 document and not in attachments. Failure to file a timely Amended Complaint will result in  
18 dismissal of this case.

19 DATED this 18<sup>th</sup> day of December, 2023.

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RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE